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LETTER DATED 22 JANUARY 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In accordance with the intention reported to the Security Council, I visited Baghdad from 19 to 21 January 1998.

Immediately prior to this visit, in a statement by the President of the Security Council of 14 January 1998 (S/PRST/1998/1), the Council expressed its full support for the Special Commission and its Executive Chairman, including in his forthcoming travel to Iraq to continue his discussions with officials of the Government of Iraq aimed at the full implementation of the relevant resolutions and at increasing the effectiveness and efficiency of the operations of the Special Commission to that end.

The statement enjoyed the unanimous support of all members of the Security Council. It had been issued following the failure of Iraq to permit one of the Commission's teams to fulfil its mandate to inspect certain sites in Iraq. Those facts had been reported in a letter I had addressed to the President of the Council on 12 January 1998 (S/1998/27).

On this visit to Baghdad, I was accompanied by my Deputy, Mr. Charles Duelfer, and three Commissioners, Mr. Ron Cleminson (Canada), Mr. Zhou Fei (China) and Lt. Col. GianPiero Perrone (Italy), as well as by certain senior officials of the permanent staff of the Commission in New York.

The Iraqi side was led by the Deputy Prime Minister, Mr. Tariq Aziz. He was supported by a number of Ministers and senior military and civilian officials.

Three plenary meetings were held, one on 19 January and two on 20 January, for a total of eight and one half hours. In addition, Mr. Tariq Aziz invited me to a private meeting with him on 21 January, immediately prior to my departure from Baghdad.

The discussions followed upon those held on 14 and 15 December 1997 in Baghdad. I reported on developments that had occurred since those meetings, both in the Security Council and in the work of the Commission.

On the question of access (see S/1997/987), I drew attention to the statement issued by the President of the Council on 22 December 1997 (S/PRST/1997/56), in which the Council stressed that failure by the Government of Iraq to provide the Special Commission with immediate, unconditional access to any site or category of sites was unacceptable and a clear violation of the relevant resolutions. I said that I had been asked by the Council to seek from the Government of Iraq the assurance that it would meet the requirements of the Council, in particular, that no sites would be designated as off-limits to inspection. The response of the Government of Iraq, given by the Deputy Prime Minister, is set out in the attached report.

I also drew attention to the statement by the President of the Security Council of 14 January 1998, in which the Council reiterated its demand that Iraq cooperate fully and immediately and without conditions or restrictions with the Special Commission in accordance with the relevant resolutions, which constitute the governing standard of Iraqi compliance. There was therefore no question that Iraq could seek to dictate the terms of its compliance with its obligations to cooperate with the Special Commission in matters such as the composition of the Commission's inspection teams. The Deputy Prime Minister did not indicate any disagreement with this position, although he expressed a view on how Iraq would prefer those teams to be composed, referring to the national/ethnic origins of team members.

On the work of the Commission, I informed the Deputy Prime Minister of the steps that had been and were being taken to implement the recommendations of the emergency session of the Commission, held in November 1997, regarding measures to improve the effectiveness of the Commission. The Deputy Prime Minister welcomed these developments.

In the statement by the President of the Security Council of 14 January 1998, the Council requested a full briefing by the Executive Chairman on the discussions as soon as possible after they had taken place, so that it could decide, as necessary, on an appropriate response on the basis of the relevant resolutions.

In the light of that request, I transmit herewith a report on the discussions held in Baghdad this week. I would be grateful if you could bring this letter and the attached report to the attention of the members of the Security council.

(Signed) Richard BUTLER

Annex

Report on the visit to Baghdad from 19 January to 21 January 1998 by the Executive Chairman of the Special Commission established by the Security Council under paragraph 9 (b) (i) of Security Council resolution 687 (1991)

I. INTRODUCTION

1. The discussions took place in three plenary meetings and a brief private meeting between the Deputy Prime Minister and the Executive Chairman. The discussions were, for the most part, devoted to issues of policy, in particular that of access to all sites in Iraq that the Commission wished to inspect in the implementation of its mandate. However, practical arrangements for the forthcoming technical evaluation meetings in the various weapons areas were further discussed and agreed upon. Other operational issues, including the use of new additional assets for aerial surveillance, were also raised and discussed briefly.

II. POLICY DISCUSSIONS

2. At the invitation of the Deputy Prime Minister, the Executive Chairman opened the discussions. He began by recalling that, at the conclusion of the meetings in December 1997, the two sides had agreed to meet again in about a month for a number of specific reasons. First, to assess whether the practical modifications, agreed upon in December, to the arrangements for the inspection of sensitive sites were working in practice. Secondly, in December, the Iraqi side had identified five categories of sites within Iraq in relation to inspections by the Commission. One category had been designated as "Presidential and sovereign sites" to which the Deputy Prime Minister had said absolutely no access would be granted. At the time, the Executive Chairman had indicated he could not predict precisely how the Security Council would react to this exclusion. The Executive Chairman drew attention to the statement issued on behalf of the Security Council by its President on 22 December (S/PRST/1997/56), in which the Council had rejected the position taken by Iraq.

3. The Executive Chairman reported that arrangements were proceeding satisfactorily for the technical evaluation meetings, which had been agreed upon during the December meetings. The first technical evaluation meeting would begin in Baghdad on 1 February 1998. He also mentioned steps taken within the Commission to implement the recommendations of the emergency session of the Commission, held in November 1997, to consider measures to increase the effectiveness of the work of the Commission. These included measures with respect to the staffing of the Commission and new offers for surveillance aircraft.

4. The Executive Chairman then drew attention to the grave concern of the Commission at the events of the previous week, when Iraq had prevented UNSCOM 227 from carrying out its assigned inspections. This had resulted in the further statement by the President of the Security Council of 14 January 1998

(S/PRST/1998/1). The Executive Chairman also noted that the recent speech by the President of Iraq contained remarks on relations with the Security Council and, by implication, on a six-month deadline for the lifting of the sanctions. In this regard, he said he would appreciate some clarifications.

5. The Executive Chairman then said that the issues he had outlined represented a possible agenda for the current meetings, namely:

(a) Modalities for sensitive site inspection;

(b) Technical evaluation meetings;

(c) Speech by the President of Iraq on 17 January 1998;

(d) Access to presidential and sovereign sites;

(e) Other operational issues:

(i) Monitoring situation report;

(ii) Helicopter operations;

(iii) Use of Rasheed Airbase;

(iv) Rocket grenade attack on the United Nations building, in which the Commission's Baghdad Monitoring and Verification Centre is housed;

(v) UNSCOM 227.

6. The Deputy Prime Minister agreed that the Executive Chairman had outlined the basic issues for discussion.

A. Modalities for sensitive site inspections

7. The Executive Chairman said that initial experience in implementing the revised arrangements for the inspection of sensitive sites had indicated some definite improvements. He had reported the proposed arrangements to the Security Council in December 1997, in particular the possible increase in the number of inspectors permitted into a sensitive site and measures to speed up the granting of access. The Council had agreed that the new measures should be tested. Since the Chairman's last visit to Baghdad, there had been a few occasions on which the Chief Inspector of the team involved in the inspection had proposed, and Iraq had agreed to, more than four inspectors entering a site Iraq had declared to be sensitive. There had also been a reduction in the delay in obtaining entry.

8. However, the Executive Chairman said there had been some problems. Once access to a site was obtained, Iraqi cooperation had, on occasions, been less than satisfactory. Iraqi counterparts had subjected Chief Inspectors to a line of questioning on details of the other inspectors, including their nationality and expertise, and what they were looking for. This questioning caused delays

in carrying out the inspection. There also appeared to be the implication that Iraq was exercising rights in this regard, such as the right to object to particular personnel or to the basis for the inspection. These were matters within the exclusive competence of the Commission. There had also been clear instances of Iraqi personnel, in the site being inspected, moving ahead of the inspectors, possibly to "cleanse" the site. The Executive Chairman requested that orders be issued to put a stop to such practices. They did not represent cooperation. They could serve to defeat a given inspection.

9. The Deputy Prime Minister indicated that he had been told by the Director of the National Monitoring Directorate that such contacts between the Chief Inspector and Iraqi minders were not of an official nature. Questions had been put by individual members of the Iraqi counterpart teams based on their long acquaintance with some of the Commission's inspectors and their interest in the purpose of the inspection. Inspections had been going on for seven years and it was natural to want to know why they were continuing. The inspectors could refuse to answer the questions, or could give an answer that would enhance cooperation. On the official level, Iraq had the right, which it had exercised, to inquire why the Chief Inspector proposed an increase in the number of inspectors to be admitted in any particular case. These questions did not delay entry. If Iraq intended to block an inspection it did so, politically, and bore the consequences.

10. The Deputy Prime Minister indicated that he had personally intervened to speed access to sensitive sites by instructing the Director of the National Monitoring Directorate to accompany inspection teams that were thought likely to want to gain admission to sensitive sites. The Director was accompanied by two personnel authorized to require immediate access to any sensitive site.

11. The Executive Chairman reiterated the point that the granting of access, which Iraq was obliged to do, could be nullified, in effect, by measures inside the site designed to defeat the purposes of the inspection.

B. Technical evaluation meetings

12. The Deputy Prime Minister set out his understanding of the proposals with respect to the forthcoming technical evaluation meetings.

13. The Executive Chairman responded by outlining the arrangements being made for the first two technical evaluation meetings and addressing the proposals put forward by the Deputy Prime Minister:

(a) These meetings would be in the missile and chemical areas, to deal with special warheads and the chemical agent VX, respectively;

(b) They would be held in Baghdad at the beginning of February 1998;

(c) Iraq would make a presentation to and participate in all discussions. The Commission's team, which would include the independent experts recruited for the meeting concerned, would discuss with the Iraqi side the outlines of their conclusions;

(d) The initial technical evaluation meetings were scheduled for five days each, but flexibility would be applied in this regard if it were found that more time was required. If there were any issues identified as requiring further work, the meeting concerned could be reconvened in a relatively short time;

(e) The meetings on special warheads and on VX should be concluded during the course of February 1998.

14. The Executive Chairman explained that the meeting on the biological area was more complex, not least because it would address the whole biological file. Its timing would depend, in part, on the availability of the external experts, many of whom had commitments at an important biological weapons conference in Geneva in February 1998.

15. The Deputy Prime Minister inquired whether it would be possible to convene the meeting before the Geneva conference, claiming that the technical evaluation meeting might be a more important meeting than the Geneva conference. The technical evaluation meeting could be reconvened, if necessary, after the Geneva conference, to complete its work. He hoped the technical evaluation meeting would report in March. The Executive Chairman undertook to explore further the practical arrangements for the convening of the technical evaluation meeting in the biological weapons area.

16. In response to a request from the Deputy Prime Minister, the Executive Chairman indicated that UNSCOM would, as far as possible, make available to Iraq the informal translations into English, which had been made within UNSCOM, of documents provided by Iraq as part of its full, final and complete disclosures in the areas relevant to the subject matters of the technical evaluation meetings.

C. U-2 aircraft and other surveillance platforms

17. The Deputy Prime Minister repeated Iraq's request that the Commission should terminate its U-2 flights and replace them with suitable aircraft from other countries. He understood that offers of such aircraft, in particular one from the Russian Federation, had been made. Where did this matter stand? Iraq considered that the U-2, as an aircraft of the United States of America operated by an American pilot, served American purposes hostile to Iraq, not those of UNSCOM. Its flights constituted a threat to the security of Iraq, in view of the frequent threats by the United States of military action against Iraq. There were other countries with suitable aircraft which did not have the same hostile intent against Iraq.

18. The Executive Chairman affirmed that the U-2 was operated over Iraq as an UNSCOM aircraft, carrying out aerial surveillance taskings set by the Commission. It was a unique platform with unique capabilities. UNSCOM would continue to use it.

19. Referring to a recommendation made by the emergency session of the Commission in November 1997, the Executive Chairman said he was exploring the possibility of obtaining supplementary air assets from additional countries in

the interest of increasing the effectiveness of UNSCOM operations. A firm offer had been received from the Russian Federation, and a Commission team would shortly visit Moscow to discuss logistics, tasking, financing and other matters relevant to the offer. A further offer may be made by France. The Commission would handle it in the same manner as the offer by the Russian Federation.

20. The Deputy Prime Minister welcomed the possible use of aircraft of non-United States origin, but repeated his position that they should be regarded as replacing the U-2 rather than as a supplementary means of conducting aerial surveillance activities.

21. The Executive Chairman repeated the Commission's position on the need for the U-2 platform and said it was very pleased with the prospect of obtaining additional aerial surveillance capability. This would increase the effectiveness of the Commission's work.

D. Speech by the President of Iraq on 17 January 1998

22. The Executive Chairman sought clarifications from the Deputy Prime Minister on certain remarks contained in the speech given by the President of Iraq on 17 January 1998. Those remarks appeared to have a bearing on the issue of access to presidential sites and on cooperation with the Security Council. The Executive Chairman recalled that the Council had demanded, on numerous occasions, that the Government of Iraq supply the Commission with unconditional and immediate access to any site relevant to the Commission's mandate. The Council had also demanded that Iraq cooperate fully with the Commission. However, the speech given by the President seemed to contain conditions on Iraq's continued cooperation with UNSCOM. The Executive Chairman therefore requested the Deputy Prime Minister to provide him with clarifications on the content and meaning of the President's remarks. The Deputy Prime Minister undertook to address this issue at a later stage during the meetings.

23. At the first meeting on the following day, 20 January, the Deputy Prime Minister provided the Executive Chairman with a copy of the President's speech, in English.

24. In the section addressing the relationship between the Government of Iraq and the Security Council, the text stated that:

> "If the Security Council does not take a decision in fulfilment of its obligations towards Iraq as stipulated in the unjust resolutions which it took alone and without the participation of Iraq as reciprocal commitments, then Iraq has resolved to take a decision consistent with the recommendations of the people's representatives at the National Assembly and shall assume full responsibility for it since there is no other alternative course of action."

25. At the second meeting on 20 January, the Deputy Prime Minister, in elucidation of the President's remarks, said that the Security Council had to honour its commitments regarding the lifting of sanctions as the Government of Iraq had fulfilled all its disarmament obligations. He added that the

President's remarks had been concerned with the relationship between Iraq and the Security Council and not with the Special Commission. However, he said the Commission had not done its part by closing the disarmament files. The Government of Iraq would not tolerate the unjust prolongation of sanctions against it. Those sanctions had not been lifted because of the American position in the Security Council. In his speech the President had only reiterated what the Government had always stated, that there had to be a reasonable time for the lifting of sanctions. Now the United States was threatening Iraq and Iraq had to be prepared for any possibility. Since September 1997, the American Government, and in some instances the United Kingdom of Great Britain and Northern Ireland, had undertaken actions against the Government of Iraq. These had been amply reflected in the press.

E. Access to presidential and sovereign sites

26. On the issue of access to presidential and sovereign sites, the Executive Chairman recalled that, during the December 1997 meetings, he had expressed his doubt that the Security Council would accept Iraq's absolute position that such sites could never be inspected by the Commission. Since then, the Council had pronounced itself twice on the issue, rejecting Iraq's position and demanding full access to all sites in Iraq. However, there was a hope expressed by members of the Council that some arrangements could be made for inspections of presidential and sovereign sites that would take into account Iraq's legitimate dignity, sovereignty and security concerns, while meeting UNSCOM's inspection requirements.

27. The Deputy Prime Minister said that access to those sites, which included presidential sites and the headquarters of ministries, was not mentioned in any document of the Security Council. The resolutions of the Council only referred to access to sites in general terms. He considered that access to presidential and sovereign sites was a new interpretation by the Commission of the Council's resolutions, which went beyond its disarmament mandate. He viewed UNSCOM as trying to expand its rights in order "to do whatever it wanted to do in Iraq". The Commission was not an occupying force. Did the Commission really believe that Iraq would conceal weapons of mass destruction, such as anthrax and VX, in the residences of the President? Even assuming that Iraq had done so, did not the Commission think that Iraq would have moved them given the current furor concerning such sites?

28. The Executive Chairman rejected any characterization of UNSCOM as an occupying force and reiterated that UNSCOM was solely governed by the mandate given by the Security Council, which, inter alia, gave it the right to enter any site in Iraq relevant to its work and gave Iraq the obligation to cooperate.

29. Regarding the particular issue of access to presidential and sovereign sites, the Executive Chairman requested the Deputy Prime Minister to clarify the number and size of such sites. He reiterated his request to have a map with the location of those sites, as it was important for the Security Council to know exactly what was involved in this issue, to know its order of magnitude. The Deputy Prime Minister said there were eight presidential sites in Iraq, located in four provinces. He named them and provided a general description of their

location and extent. He said he would not provide a map of the sites, as it could be used by enemies of Iraq for military targeting.

30. The Executive Chairman reiterated that it was important to know if the denial of access was related only to the presidential palaces - the buildings where the President lived and worked - or to the whole area surrounding the palaces, including other buildings such as warehouses, security facilities, etc. The Deputy Prime Minister clarified that Iraq considered them as presidential sites, or compounds, which included a multiplicity of buildings and the surrounding areas inside the perimeter walls. He said it was incorrect to refer to them as presidential palaces, as there was only one Presidential Palace in Iraq, which was located in the capital, Baghdad, at one of the presidential sites. The sovereign sites were limited to the eight presidential sites and the headquarters of Government ministries.

31. The Executive Chairman said progress might be able to be made if it were possible to differentiate the presidential residences from the buildings and areas around them but within the defined presidential and sovereign sites. If Iraq were to accept the Commission's right to inspect those sites, the Commission might be able to apply particular procedures for the inspection of the buildings where the President lived and worked, while preserving the inspection's objectives and effectiveness. Inspection of the surrounding areas and other buildings would be carried out under the arrangements for the inspection of sensitive sites.

32. In reply, the Deputy Prime Minister then made the following proposal as the formal answer by the Government of Iraq on the access issue.

33. The Commission and Iraq would conduct the technical evaluation meetings on the three weapons areas. Both sides should wait to see the results of those meetings and how the results would be reported by the Commission in its April 1998 report to the Security Council. The Deputy Prime Minister continued:

> "If that report shows that the outstanding issues from the prospect of the Special Commission have been settled and the disarmament requirements have been fully completed, then we will be in a new situation where the sanctions would be lifted and that would create a new atmosphere in the relationship between Iraq and the Special Commission and the Security Council and the attention would be focused on the realm of ongoing monitoring and verification. If that would not be the case in April and this matter, the access [to] such sites, will be the only issue blocking the way towards lifting the sanctions, then you and I could meet and discuss it and see what to do about it. I do not make any previous promises except my readiness to discuss this matter with you again in April. I hope that you accept my idea, my proposal, and I hope that you do not precipitate any negative reaction to it from now till April."

34. In seeking clarification of the Deputy Prime Minister's proposal, the Executive Chairman asked whether the Deputy Prime Minister assumed that a satisfactory outcome of the technical evaluation meeting on the accounting of missile warheads would mean that the missile file, as a whole, would be closed.

35. The Deputy Prime Minister said that that was his assumption, since the issue of warheads was the last remaining problem in the missile area. The Executive Chairman responded that there were other outstanding issues in the missile area, such as Iraq's indigenous capability for the production of proscribed missiles, missile propellant accounting, and missile testing activities. Thus, a positive outcome of the technical evaluation meeting on warheads alone would not mean the closure of the missile file.

36. The Executive Chairman asked whether the Deputy Prime Minister assumed that a satisfactory outcome of the technical evaluation meeting on the chemical nerve agent VX would mean that the chemical weapons file, as a whole, would be closed.

37. The Deputy Prime Minister said that that was his assumption. The Executive Chairman responded that there were other outstanding issues in the chemical area, other than VX, although an unambiguous finding on VX could advance the chemical weapons issues towards long-term monitoring.

38. Also, the Executive Chairman asked whether the Deputy Prime Minister assumed that the technical evaluation meeting on the biological weapons area could address and settle all the issues in that area. The Deputy Prime Minister said that that was his assumption. Iraq was prepared to submit all necessary clarifications to questions put by the experts at a technical evaluation meeting. If it proved to be not enough, a second technical evaluation meeting could complete the process.

39. The Executive Chairman said the Commission had repeatedly made clear to Iraq that, for the success of the technical evaluation meetings, it had to provide more documentation in the biological area, as well as in the other areas, as Iraq's biological declaration was incomplete and not credible. But he recalled that the Deputy Prime Minister had reiterated that no further documentation would be submitted by Iraq to the technical evaluation meetings. That hardly supported his assumption that the forthcoming technical evaluation meetings would be as consequential as he believed.

40. The Executive Chairman then asked whether the Iraqi proposal meant that it would be necessary to postpone the discussion on access to presidential and sovereign sites and that the Commission should not conduct inspections of those sites. The Deputy Prime Minister said his proposal was that the Executive Chairman should postpone all further discussion and inspections of presidential and sovereign sites until April.

41. The Deputy Prime Minister went on to say that if the Commission wanted to send inspections to sites considered by Iraq as "normal" or "sensitive", Iraq would not stop them.

42. The Executive Chairman said he would report Iraq's proposal to the Security Council but could make a few comments, straight away.

43. First, as Executive Chairman of the Commission he could not and would not give the undertaking not to authorize any inspections in what Iraq might state were within presidential and sovereign sites unless and until he received a new

directive from the Security Council. Iraq was asking him to stop an important part of the Commission's work. Only the Council could direct that.

44. Secondly, the Security Council would decide on Iraq's proposal, but he felt obliged to point out that it flew directly in the face of the Council's requirements. If requested by the Council, he would say that the proposal was a way for Iraq to avoid its obligation to provide unconditional access. He found it disturbing that such proposal was the answer of the Government of Iraq to the Council's decisions.

45. In answer to a question by the Deputy Prime Minister, the Executive Chairman stated again that he retained the right to send inspections to any site in Iraq, including presidential and sovereign sites, relevant to the Commission's mandate, pending his report to the Security Council and receipt of any instruction from the Council to the contrary.

46. The Deputy Prime Minister replied by saying he was fully aware of the Security Council's decisions. The language on access had been used in several resolutions of the Council since 1991. However, the Commission had not tried to inspect presidential or sovereign sites until September 1996. The Deputy Prime Minister was of the view that the disarmament files could be closed through scientific and technical means, without the need for inspections of presidential and sovereign sites. Iraq was ready to fulfil all the Security Council's disarmament requirements.

47. The Deputy Prime Minister reiterated that the Government of Iraq possessed no weapons of mass destruction, no major components, nor was it seeking to produce proscribed weapons. The outstanding issues could be dealt with by ongoing monitoring. The Deputy Prime Minister said that the Government of Iraq was working with the Commission in order to get the sanctions lifted. If there was no prospect of this, the Government of Iraq had no intention of continuing to work with the Commission. Iraq was ready to face the consequences, including war. The Executive Chairman should report this to the Security Council.

F. Other operational issues

Monitoring situation report

48. The Executive Chairman confirmed that the Commission was now in a position to affirm the initial assessment he had given in December, namely that the Commission had not found evidence of the prohibited use of dual-use equipment during the period in which the Commission's inspection teams had been out of Iraq, in November and December 1997. Having made this point, it had been the case that, during that period, dual-use equipment had been moved out of the facilities under monitoring, contrary to the applicable provisions in the plan for ongoing monitoring and verification.

Helicopter operations

49. The Deputy Prime Minister complained that, during recent months, there had been instances where the Commission's helicopters had flown over residential

areas or near presidential sites, despite warnings by the accompanying Iraqi pilots that a dangerous situation could ensue. In residential areas it was always possible that someone hostile to Iraq - perhaps from the Islamic Republic of Iran, Israel or the United States - could fire on the helicopter in order to create an incident between UNSCOM and Iraq. He could not guarantee the safety of the overflights of such areas.

50. The Executive Chairman reaffirmed his complete confidence in the professional competence and correct conduct of the Commission's helicopter pilots provided by the Chilean air force. They had the final word on board UNSCOM flights to determine what measures to take in respect of their own safety and that of the aircraft and other persons on board. He would mention to them what the Deputy Prime Minister had said.

Use of Rasheed Airbase

51. At the September and December 1997 meetings in Baghdad, the Executive Chairman had raised with the Deputy Prime Minister the right of the Commission to use Rasheed Airbase, where its helicopter operations were based, for its fixed-wing aircraft. He had pointed out that this would considerably facilitate the Commission's operations by greatly reducing the transit time to and from the Baghdad Monitoring and Verification Centre and the airport on the arrival and departure of the Commission's and the International Atomic Energy Agency (IAEA) teams. In September, the Deputy Prime Minister had refused to make the Rasheed Airport available and in December, when the issue was raised with him again, he stated that he would address it in the forthcoming meeting planned for January 1998.

52. At its emergency session in November 1997, the Commission had called upon Iraq to make Rasheed Airbase available to the Commission's fixed-wing flights.

53. When the Executive Chairman raised the matter again, the Deputy Prime Minister replied that there was no change in his position. The Commission was adequately served by the facilities at Habbaniyah, which was suitably remote from Baghdad and where Iraq had the necessary arrangements in place for receiving and checking out inspection teams.

Rocket-propelled grenade attack on the United Nations Centre, Baghdad

54. During his introductory remarks, the Executive Chairman drew attention to the rocket-propelled grenade attack on the United Nations office building in which the Baghdad Monitoring and Verification Centre is housed. Fortunately, but possibly unintendedly, it had caused little damage. But it had raised serious safety and security concerns.

55. The Deputy Prime Minister said that the attack had been carried out by dissident groups opposed to the Government of Iraq.

G. Further discussions

56. At the conclusion of the discussions, it was agreed that the Executive Chairman would visit Baghdad again during the first week in March. This date was chosen because it would be after the end of the planned technical evaluation meetings.

III. COMMENTS

57. The following comments, by the Executive Chairman, address mainly the tenor of the talks just concluded in Baghdad and the meaning of the decisions and attitudes conveyed by Iraq during the talks, from the standpoint of the mandate of the Commission as an organ of the Security Council.

58. In December I reported to the Security Council, in answer to questions put to me by Council members, that the discussions which had then been held in Baghdad had been correct, businesslike and not characterized by residual hostility from the period of crisis which had immediately preceded them.

59. The tenor of the current talks has been very different. The talks were characterized, from the beginning, by: extended statements by the Iraqi side to which no even remotely equal reply was invited, accepted or apparently wanted; moments of abuse and denigration of UNSCOM and its professional officers; an attempt literally to apportion all blame to UNSCOM, past and present, for the fact that the disarmament task had not been completed and sanctions on Iraq remained in force.

60. UNSCOM representatives present at the talks found Iraq's decision to conduct its participation in the meeting in this manner disturbing and disappointing. More important, however, was what it apparently revealed in substance.

61. First of all, the Iraqi side advanced a certain view of the history of the relationship. The Deputy Prime Minister spoke at length about how Iraq had divested itself, long ago, of all of its weapons of mass destruction, their components and the means to produce them. He claimed that UNSCOM had been about to declare this to be the case, in mid-1995, but this was stopped when a person whom he described as an "idiot", the late Lt. General Hussein Kamel, had defected from Iraq, leaving behind an extensive cache of documents on Iraq's prohibited weapons programmes, which came into the possession of the Commission in August 1995.

62. The conclusion that UNSCOM and the Council drew from this event was one of relief, that is, we were able to avoid what might have turned out to be some premature conclusions.

63. The Deputy Prime Minister made clear that Iraq's conclusion is the opposite, namely that it was in some way deeply unfair that this revelation of important information on their prohibited programmes, their statements about which were then shown to have been misleading in many significant respects, had

robbed them of what Iraq then thought was to have been the end of the disarmament process.

64. It is of fundamental importance to record that Iraq does not, in any serious way, dispute the content of the materials which UNSCOM acquired in August 1995, the content of which has been helpful to UNSCOM in the course of its investigative and verification activities. These investigative activities were also aided considerably by information provided directly by Hussein Kamel on proscribed programmes which had been directly under his supervision and control.

65. When the Deputy Prime Minister speaks, as he did to us in the private consultations, but has increasingly done publicly, about the last 29 months as being in some way a period of unnecessary delay, of evasion by UNSCOM of the need to come to conclusions, he is speaking of the period since the August 1995 revelations, the content of which Iraq seems determined to try to dismiss.

66. In addition to this version of the history of the relationship between UNSCOM and Iraq, which in the Commission's view is significantly flawed, there have been specific grave instances of attempts to mislead the Commission and the Security Council. These continue to have bearing on the work of the Commission, including the need for inspections designed to discover what may be hidden and/or has been denied to the Commission, in violation of the Council's requirements.

67. Two examples should be sufficient to illustrate this point.

68. First, between 1991 and 1995 Iraq robustly denied that it had any offensive biological weapons programme. This was utterly false.

69. Secondly, until 1995 Iraq denied any production of VX. After enquiries from UNSCOM, Iraq issued a declaration that it had produced only 260 litres of VX. Today we know that Iraq has produced at least 3.9 tonnes of VX.

70. Drawing this first major point together, that is, Iraq's version of the history of relevant events, which it wants the Council to accept and is increasingly broadcasting around the world, I record that on 20 January 1998, during the talks in Baghdad, I asked the Deputy Prime Minister, "on the record", the following questions: Are you saying that Iraq has no weapons of mass destruction, or the means to produce them; that you have given UNSCOM all relevant materials; that there is nothing more to give, and there will be nothing more? Further, are you saying that the sole reason that these facts remain unrecognized and that the disarmament of Iraq's weapons of mass destruction has not been declared completed is because UNSCOM has refused to recognize these facts and make that declaration? The Deputy Prime Minister answered "yes" to each question.

71. These declarations by Iraq are only that. Sadly, Iraq has been unprepared to allow UNSCOM to verify its claims by adequately documenting them, by cooperating in UNSCOM enquiries and by allowing full access, including for inspections, under the terms laid down by the Council.

72. The Security Council will recall that in my report of 17 December 1997 (S/1997/987, para. 31), I referred to Iraq having read out at the December meetings four statements making claims similar to those recorded in paragraph 70 above.

73. The experience in December which followed the crisis created by Iraq on 29 October 1997, together with the experience of the talks just concluded in Baghdad, strongly suggests that Iraq is determined to withhold any further or new information from the Commission and to seek to prevent us from finding it ourselves if that would involve inspections of a certain character.

74. I am bound to state that if Iraq successfully avoids answering the questions we have had before it for some time on outstanding disarmament issues and/or in other ways prevents us from finding those answers, it is gravely to be doubted that we would be able to verify Iraq's claims that it has met its disarmament obligations, established by the Security Council. This, in turn, would have a serious negative impact on UNSCOM's ongoing monitoring and verification work.

75. This leads, naturally, to the second major subject - that of the forthcoming technical evaluation meetings.

76. Iraq has agreed to the structure and procedures for the technical evaluation meetings as proposed by me. The decision to create the new mechanism was taken, mainly, as a positive gesture towards Iraq. In addition, the meetings may constitute a new and helpful verification tool for the Commission.

77. It is regrettable that recent public statements by Iraq have sought to misrepresent the terms and composition of the technical evaluation meetings, characterizing them as a form of adjudication of issues by experts supplied by permanent members of the Security Council. This is not their nature and/or purpose, as the correspondence between myself and the Deputy Prime Minister shows. The Commission is competent and honest and can do the job of verification for which it was established and mandated. Its past record demonstrates this.

78. UNSCOM hopes that the technical evaluation meeting process proves useful and does advance its work with Iraq on the remaining issues of disarmament.

79. These comments now lead, naturally, to the key issue discussed this week: the Council's requirement for unconditional access in Iraq.

80. As the present report indicates, Iraq has not agreed to the Council's demand on access but has proposed instead:

- A postponement of the issue, pending the initial technical evaluation meetings, the outcomes of which, it states, will bring its disarmament obligations to an end, but to which it will not furnish new material;

- A further discussion between Mr. Tariq Aziz and myself on the access issue shortly prior to the April report to the Council by UNSCOM;

- However, that discussion itself, it is predicted by Mr. Aziz, may have no outcome and would only occur if the question of access by UNSCOM to "presidential and sovereign sites" was the only issue preventing the lifting of sanctions (this, of course, again assumes that the disarmament task was completed).

81. In my opinion, the series of assumptions on which the above proposals rest are far-reaching ones. In addition, it is difficult to see the reason for, or the point of the linkage Iraq has drawn between the technical evaluation meeting process and a suspension, possibly indefinitely, of an important part of UNSCOM's fieldwork.

82. In conclusion, I must remind the Security Council that full access is required not only for disarmament purposes but also in the context of ongoing monitoring and verification. Access relinquished now could be needed in important ways in the future.

83. Finally, I regret that I need to register with the Council my rejection of claims Iraq has seen fit to make, in public, to the effect that officers of UNSCOM have sought to prolong our coming to a conclusion on disarmament issues so that they can keep their jobs and incomes. These claims are utterly untrue and distasteful.